

**2. REMARKS**

**2.1 STATUS OF THE CLAIMS**

*Claims 1-5 and 10-23 were pending in the application, and subject to a Notice of Allowance dated 8/19/09.*

*No claims have been added, deleted, or amended herein.*

*Claims 1-5 and 10-23 remain pending in the application upon grant of Applicants' Petition filed concurrently herewith.*

**2.2 WITHDRAWAL FROM ISSUE**

Applicants have concurrently filed a **Petition to Withdraw from Issue** under 37 C.F.R. § 1.313(c) by facsimile to the Office of Petitions in favor of this Request for Continued Examination.

**2.3 AN INFORMATION DISCLOSURE STATEMENT IS PROVIDED.**

In compliance with the Duty of Disclosure under 37 C.F.R. § 1.56, and in accordance with the practice under 37 CFR §§ 1.97-1.98, the Examiner's attention is directed to the Information Disclosure Statement (IDS) and the references listed on form PTO/SB/08a filed concurrently herewith. Copies of the cited documents are also included for review and consideration by the Office. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the accompanying Form PTO/SB/08a be initialed and returned indicating that such information has been considered.

The Examiner's attention is specifically drawn to the fact that there may be one or more commonly owned, patent application(s) co-pending with the instant application, and that any such application, references cited therein, and Office Actions and responses thereto, may be material to the patentability of the claims of the captioned application. Because any such co-pending application(s), together with the complete file history of the same, are readily available to the Examiner on internal Patent Office computer records, should the Examiner believe any such co-pending application(s) to be material during examination of the instant application, then Applicants rely on the Examiner to carry out his/her examination responsibilities to examine the complete record, including, without limitation, any Office Actions or responses thereto, of any such co-pending application(s).

#### **2.4 CONCLUSION**

Applicants believe the present Request for Continued Examination herein is proper and timely-submitted in view of their **Petition to Withdraw from Issue** filed concurrently herewith. Should any additional fees be required with this submission for any reason, the Commissioner is hereby authorized to charge such fees (or credit any overpayments) to Haynes and Boone, LLP's Deposit Account No. 08-1394, Order No. 36672.6 from which the undersigned is authorized to draw.

Applicants respectfully assert that the present submission is in condition for consideration and a favorable First Action allowance is respectfully requested.

Should Examiner Bradley have any questions, a telephone call to the undersigned Applicants' representative would be appreciated.

Respectfully submitted,



Mark D. Moore, Ph.D. (Reg. No. 42,903)

**February 5, 2010**

Date

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**Certificate of Service**

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office via EFS-Web on February 5, 2010.

  
Marty Miles